



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
2890 WOODBRIDGE AVENUE  
EDISON, NEW JERSEY 08837-3679

**MAR 31 2011**

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Article Number: 7001-0302-0004-7790-3445

Mr. John M. Bonfire, Sr., General Manager  
Monmouth Rubber and Plastics Corp.  
75 Long Branch Avenue  
Long Branch, New Jersey 07740

Re: Notice of Opportunity with Respect to Enforcement Action  
under the Emergency Planning and Community Right-to-Know Act for:  
Monmouth Rubber and Plastics Corp., 75 Long Branch Ave., Long Branch, New Jersey

Dear Mr. Bonfire:

The United States Environmental Protection Agency (EPA) conducted an inspection at the Monmouth Rubber and Plastics Corp. (MRPC) facility located at 75 Long Branch Avenue in Long Branch, New Jersey on December 16, 2010 to determine compliance with Section 313 of the Emergency Community Right-to-Know Act (EPCRA). Subsequent to this inspection, the EPA determined that MRPC had failed to file a timely Toxic Release Inventory (TRI) Form R report for methylene bisphenyl isocyanate for calendar year 2008. The report was due July 1, 2009. As of March 30, 2011, the required Form R report has not been filed. Each failure to submit a Form A or Form R report, in a timely manner, constitutes a violation of Section 313 of the Emergency Planning and Community Right-to-Know-Act of 1986 (EPCRA), 42 U.S.C. §11023, and of 40 C.F.R. §372.30.

The primary purpose of EPCRA § 313 is to make annual toxic chemical release and transfer data available to the public. EPA satisfies this mandate by the annual publishing of the TRI Public Data Release on the Internet. This information is used by federal and state officials, the media, libraries, business interests, community groups and the general public. Late reporting hampers EPA's efforts to compile the data in a way that accurately reflects the releases and transfers of toxic chemicals from the universe of TRI regulated facilities.

The EPA is authorized to issue a civil administrative complaint for the assessment of penalties for violations of the above-cited regulation pursuant to Section 325(c) of EPCRA (42 U.S.C. §11045) and the Civil Monetary Penalty Inflation Adjustment Rules, dated December 11, 2008 (73 Fed. Reg. 75340), December 31, 1996 (61 Fed. Reg. 69359) and February 13, 2004 (69 Fed. Reg. 7121). These provisions allow the assessment of civil penalties up to a statutory maximum penalty of \$37,500 for each violation of Section 313 of EPCRA.

Based on the information currently available to EPA, it appears that MRPC processed more than 25,000 pounds of methylene bisphenyl isocyanate in each of calendar years 2008 and 2010. The 2008 Form R report was due July 1, 2009. The 2010 Form R report will be due July 1, 2011.

The determination of whether a penalty will be imposed is based upon the nature, circumstances, extent and gravity of the alleged violation, as well as other factors including your company's history of prior violations, willfulness, degree of culpability or self-disclosure. At the current time, EPA anticipates issuing a civil administrative complaint regarding the late Form R report for methylene bisphenyl isocyanate for calendar year 2008.

EPA intends to offer MRPC an opportunity to demonstrate why the EPA should not proceed with a civil administrative enforcement action. Accordingly, we request that you or other company representatives contact this office to arrange a mutually convenient time to discuss this matter either in person or over the telephone.

Please note that, pursuant to 40 C.F.R. § 22.13(b), the EPA may enter into and finalize a settlement of this matter without the issuance of a formal complaint. EPA is prepared to discuss such a possibility at this meeting. Any such settlement would include MRPC agreeing to pay a mutually agreed upon monetary penalty as stipulated in a signed Consent Agreement and Final Order.

MRPC should bring to the EPA's attention any additional information regarding the above-cited violations, the company's ability to pay the proposed penalty amount, the effect payment of the proposed penalty might have on your company's ability to do business, and any other factors that you deem appropriate for EPA to consider in this matter. Any settlement that might be reached in this matter must be in conformance with the appropriate EPA Enforcement Response Policy. MRPC may provide EPA with competent documentary evidence that demonstrates that a reduction in penalty is in fact warranted.


I have enclosed a copy of the Consolidated Rules of Practice, 40 C.F.R. Part 22, which govern EPA civil administrative enforcement proceedings, a copy of the relevant EPA Enforcement Response Policy, a Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings, and a copy of the EPA Supplemental Environmental Projects (SEP) Policy for your consideration. The EPA encourages the use of SEPs, where appropriate, as part of a settlement agreement.

If you have any questions regarding the penalty determination or settlement process, please contact Ms. Mary Ann Kowalski at (732) 906-6815 or [kowalski.mary@epa.gov](mailto:kowalski.mary@epa.gov) within ten working days of your receipt of this letter to schedule a meeting to discuss this matter. Please address any correspondence to:

Ms. Mary Ann Kowalski  
Region 2 TRI Program Enforcement Coordinator  
United States Environmental Protection Agency - Region 2  
Pesticides and Toxic Substances Branch (MS-105)  
2890 Woodbridge Avenue  
Edison, New Jersey 08837

Sincerely,



Dennis McChesney, Ph.D., M.B.A.   
Acting Chief  
Pesticides and Toxic Substances Branch  
Division of Enforcement and Compliance Assistance

Enclosures